

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

CYWEE GROUP LTD.,

*Plaintiff,*

v.

GOOGLE, INC.,

*Defendant.*

CASE NO. 1:18-cv-00571-GMS

**PLAINTIFF'S ANSWER TO  
DEFENDANT'S COUNTERCLAIMS  
JURY TRIAL DEMANDED**

**PLAINTIFF'S ANSWER TO DEFENDANT'S COUNTERCLAIMS**

Plaintiff and Counterclaim-Defendant CyWee Group Ltd. ("CyWee") answers herein Google Inc.'s ("Google") counterclaims ("Counterclaims") with numbered paragraphs corresponding to like-numbered paragraphs of the Counterclaims as follows. Unless expressly admitted all averments asserted by Google in its Counterclaims are denied.

**ANSWER TO COUNTERCLAIMS**

1. CyWee admits the allegations in Paragraph 1 regarding Google's state of incorporation and principal place of business. CyWee lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in Paragraph 1, and on that basis denies them.

2. CyWee admits the allegations in Paragraph 2.

3. CyWee admits the allegations in Paragraph 3.

4. CyWee admits the allegations in Paragraph 4.

5. CyWee admits the allegations in Paragraph 5.

6. CyWee admits the allegations in Paragraph 6.

7. CyWee admits the allegations in Paragraph 7.

8. CyWee lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 8, and on that basis denies them.

9. CyWee denies the allegations in Paragraph 9 to the extent they misstate CyWee's infringement theories in the Huawei Action. CyWee lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in Paragraph 9, and on that basis denies them.

10. CyWee lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 10, and on that basis denies them.

11. CyWee admits the allegations in paragraph 11.

**Invalidity**

12. CyWee denies the allegations in paragraph 12.

13. CyWee denies the allegations in paragraph 13.

14. CyWee denies the allegations in paragraph 14.

15. CyWee lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 15, and on that basis denies them.

16. CyWee lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 16, and on that basis denies them.

17. CyWee lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 17, and on that basis denies them.

18. CyWee lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 18, and on that basis denies them.

19. CyWee lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 19, and on that basis denies them.

20. CyWee lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 20, and on that basis denies them.

21. CyWee admits the allegations in paragraph 21.

22. CyWee denies the allegations in paragraph 22 for reasons including the fact that the cited excerpt is taken out of context.

23. CyWee denies the allegations in paragraph 23 for reasons including the fact that the cited excerpt is taken out of context.

24. CyWee admits that Google has filed a 12(b)(6) Motion to Dismiss under 35 U.S.C. § 101 but denies the remaining allegations in paragraph 24.

### **JURISDICTION AND VENUE**

25. CyWee admits that this Court has subject matter jurisdiction over this matter.

26. CyWee admits that it has submitted to the personal jurisdiction of the Court for purposes of this litigation.

27. CyWee admits that venue is proper for these Counterclaims.

### **COUNTERCLAIM I**

#### **(Declaratory Judgment of Non-Infringement of the '438 Patent by Nexus 6)**

28. Paragraph 28 restates and incorporates by reference the allegations contained in Paragraphs 1-27 of the Counterclaims. In response, CyWee incorporates by reference its answers to those paragraphs.

29. CyWee admits the allegations in Paragraph 29.

30. CyWee lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 30, and on that basis denies them.

31. CyWee denies the allegations in Paragraph 31 to the extent they misstate CyWee's infringement theories in the Huawei Action.

32. CyWee lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 32, and on that basis denies them.

33. CyWee denies the allegations in Paragraph 33.

34. CyWee admits that Google seeks entry of a declaratory judgment that the Nexus 6P does not infringe any claim of the '438 Patent. CyWee denies the remaining allegations in Paragraph 34.

## **COUNTERCLAIM II**

### **(Declaratory Judgment of Non-Infringement of the '978 Patent by Nexus 6P)**

35. Paragraph 35 restates and incorporates by reference the allegations contained in Paragraphs 1-34 of the Counterclaims. In response, CyWee incorporates by reference its answers to those paragraphs.

36. CyWee admits the allegations in Paragraph 36.

37. CyWee lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 37, and on that basis denies them.

38. CyWee denies the allegations in Paragraph 38 to the extent they misstate CyWee's infringement theories in the Huawei Action.

39. CyWee lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 32, and on that basis denies them.

40. CyWee denies the allegations in Paragraph 40.

41. CyWee admits that Google seeks entry of a declaratory judgment that the Nexus 6P does not infringe any claim of the '978 Patent. CyWee denies the remaining allegations in Paragraph 34.

### **COUNTERCLAIM III**

#### **(Declaratory Judgment of Non-Infringement of the '438 Patent by Google)**

42. Paragraph 42 restates and incorporates by reference the allegations contained in Paragraphs 1-41 of the Counterclaims. In response, CyWee incorporates by reference its answers to those paragraphs.

43. CyWee admits the allegations in Paragraph 43.

44. CyWee admits the allegation in Paragraph 44.

45. CyWee denies the allegations in Paragraph 45.

46. CyWee admits that Google seeks entry of a declaratory judgment that it does not infringe any claim of the '438 Patent but denies that Google is entitled to judgment in its favor.

### **COUNTERCLAIM IV**

#### **(Declaratory Judgment of Non-Infringement of the '978 Patent by Google)**

47. Paragraph 47 restates and incorporates by reference the allegations contained in Paragraphs 1-46 of the Counterclaims. In response, CyWee incorporates by reference its answers to those paragraphs.

48. CyWee admits the allegations in Paragraph 48.

49. CyWee admits the allegations in Paragraph 49.

50. CyWee denies the allegation in Paragraph 50.

51. CyWee admits that Google seeks entry of a declaratory judgment that it does not infringe any claim of the '978 Patent but denies that Google is entitled to judgment in its favor.

## **COUNTERCLAIM V**

### **(Declaratory Judgment of Invalidity of the '438 Patent)**

52. Paragraph 52 restates and incorporates by reference the allegations contained in Paragraphs 1-51 of the Counterclaims. In response, CyWee incorporates by reference its answers to those paragraphs.

53. CyWee admits the allegations in Paragraph 53.

54. CyWee denies the allegations in Paragraph 54.

55. CyWee admits that Google seeks entry of a declaratory judgment that it does not infringe any claim of the '438 Patent but denies that Google is entitled to judgment in its favor.

## **COUNTERCLAIM V (SIC)**

### **(Declaratory Judgment of Invalidity of the '978 Patent)**

56. Paragraph 56 restates and incorporates by reference the allegations contained in Paragraphs 1-55 of the Counterclaims. In response, CyWee incorporates by reference its answers to those paragraphs.

57. CyWee admits the allegations in Paragraph 57.

58. CyWee denies the allegations in Paragraph 58.

59. CyWee admits that Google seeks entry of a declaratory judgment that it does not infringe any claim of the '978 Patent but denies that Google is entitled to judgment in its favor.

**GOOGLE'S PRAYER FOR RELIEF**

CyWee denies that Google is entitled to judgment in its favor or to any of the relief it requests. CyWee further denies each and every allegation of the Counterclaims to which CyWee has not specifically admitted, denied, or otherwise responded herein.

Dated: July 2, 2018

Respectfully submitted,

/s/ Stamatis Stamoulis

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**CERTIFICATE OF SERVICE**

The undersigned certifies that all counsel of record who are deemed to have consented to electronic service are being served with a true and correct copy of this document and accompanying exhibits via the Court's CM/ECF system per Local Rule 5.2 on July 2, 2018.

/s/ Stamatios Stamoulis  
Stamatios Stamoulis